1944

File No. Soldiers Litigation II

Legal Department 44

B BRANCH

Subject:- Rules and Notifications under the Indian Soldiers' Litigation) Act. 1925

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Office of the R.L.A.

By virtue of the provisions of paragraph 9 of the Government of India (Adaptation of Indian Laws Order) 1937, the rules made by the Government of Bombay under section 13 of the Indian Soldiers (Litigation) act, 1925, and published in Government Notification,, Home Department NO. 7697, dated the 7th October 1925, continued to be in force after the commencement of Part III of the Government of India, Act, 1935 , but since thereafter the Central Government has made rules under the same section the rules made by the Government of Bombay Must be deemed to have been superseded with effect from the date on which the Central Government made its own rules. Presumably the Defence Department of the Government of India does not require the rules made by the Government of Bombay under section 13, since they are now superseded by the rules made by the Central Government. Under sub-section (2) of the said section 14 of the Act, inserted by the Indian Soldiers (Litigation) Amendment Ordinance, 1942(Ordinance No. LXIV of 1942) , where , under the said section 14, the Provincial Government has directed that all or any of the provisions of the said Act, shall , apply to any class of persons in the Service of His Majesty (being Provincial Public Services), the powers vested in the Central Government by section 3 and section 13 shall be exercised in respect of that class of persons by the Provincial Government.of Accordingly , it seems the Government in respect of the said class of persons. If the Home Department has issued any notification under section 14(1) in respect of any class of persons mentioned therein and made rules for them under section 13, a copy of such rules should be furnished to the Government of India, Defence Department.

Id/- P.N.M.
dt/- 6/7/44.

Remembrancer of Legal Affairs.

U.R. to H.D. No. 4807 , dated the 7th July 1944.

VVK. 16/7/56/ 50.